To: Owens, Kim[Owens.Kim@epa.gov]; Gable, Kelly[Gable.Kelly@epa.gov]; Furtak,

Sarah[Furtak.Sarah@epa.gov]

From: Goodin, John

Sent: Mon 9/30/2013 9:37:41 PM

Subject: FW: Requesting review by COB today--Fw: Revised Draft Response Letter - Environmental

Justice Concern of the Kalispel Tribe - OGC Review

ATTIUXN3.docx

Kalispel Tribe of Indians - Case Response Letter - Draft 12-19-12.docx

Att. 4.pdf

Kalispel Tribe of Indians - Case Response Letter - Draft 12-19-12 is docx

Kalispel Tribe's TMDL Concerns 3 13 12.pdf

EJ Concern of the Kalispel Tribe 12 6 12.pdf

Pend Oreille River Temperature TMDL Comments of the Kalispel Tribe 12 5 12.pdf

From: John Goodin [mailto:Goodin.John@epamail.epa.gov]

Sent: Monday, September 30, 2013 5:27 PM

To: Goodin, John

Subject: Fw: Requesting review by COB today--Fw: Revised Draft Response Letter -

Environmental Justice Concern of the Kalispel Tribe - OGC Review

202-566-1373

---- Forwarded by John Goodin/DC/USEPA/US on 09/30/2013 05:26 PM -----

From: Simma Kupchan/DC/USEPA/US

To: Jessica Scott/DC/USEPA/US@EPA, John Goodin/DC/USEPA/US@EPA, Chris

Lewicki/DC/USEPA/US@EPA

Cc: Peter Ford/DC/USEPA/US@EPA

Date: 12/19/2012 01:58 PM

Subject: Re: Requesting review by COB today--Fw: Revised Draft Response Letter -

Environmental Justice Concern of the Kalispel Tribe - OGC Review

Jessica,

I have no concerns with this letter. John Goodin is cc'd in this letter, but I am cc'ing him and Chris Lewicki from OWOW here as well to make sure they are following this issue.

(See attached file: Kalispel Tribe of Indians - Case Response Letter - Draft 12-19-12.js.docx)

John and Chris.

I assume you are engaged on this, or Region 10 TMDL staff is. Please let me know if you could use further help on this from OGC. Thanks.

Here they are.

Thanks.

Jessica Scott
Attorney Advisor
US Environmental Protection Agency, Office of General Counsel
Cross-Cutting Issues Law Office
1200 Pennsylvania Avenue, NW
Room 7449E-2, Mailcode 2322A
Washington, D.C. 20460 (use zip code 20004 for non-USPS couriers)
202-564-3314 (phone)
202-564-5541 (fax)

---- Forwarded by Danny Gogal/DC/USEPA/US on 12/19/2012 11:58 AM -----

From: Heather Case/DC/USEPA/US
To: Tayoka Hall/DC/USEPA/US@EPA

Cc: Kent Benjamin/DC/USEPA/US@EPA, Danny Gogal/DC/USEPA/US@EPA, Mustafa

Ali/DC/USEPA/US@EPA Date: 12/10/2012 11:16 AM

Subject: For CMS: Environmental Justice Concern of the Kalispel Tribe

Dear Tayoka,

Please enter the following letters into CMS with an appropriate due date.

The OEJ lead for preparing a response will be Danny Gogal.

Thank you.

Heather Anne Case, MPH, MBA Acting Director USEPA, Office of Environmental Justice Office of Enforcement & Compliance Assurance Voice Phone: 202 564 2602 Cell Phone: 202 262 5980

---- Forwarded by Heather Case/DC/USEPA/US on 12/10/2012 11:13 AM -----

From: Zach Welcker < ZWelcker@kalispeltribe.com>

To: Heather Case/DC/USEPA/US@EPA, Kent Benjamin/DC/USEPA/US@EPA, Running Grass/R10/USEPA/US@EPA, JoAnn Chase/DC/USEPA/US@EPA, Group Oiainternet-Comments@EPA

Cc: Sarah Furtak/DC/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, Jim Zokan/R10/USEPA/US@EPA, Deane Osterman <<u>dosterman@kalispeltribe.com</u>>, phil katzen cpkatzen@kanjikatzen.com>

Date: 12/06/2012 07:51 PM

Subject: Environmental Justice Concern of the Kalispel Tribe

Dear Acting Director Chase:

Please find attached a letter from Deane Osterman, Executive Director of the Kalispel Tribe Natural Resources Department, regarding an important environmental justice issue currently facing the Tribe. Two supporting documents are also attached. I would be happy to send along the documents cited in the 3/13 and 12/5 letters if that would be helpful.

Your confirmation of receipt and prompt response would be greatly appreciated.

Respectfully,

Zach Welcker Senior Policy Analyst Kalispel Tribe of Indians (509) 447-7448 (office) (509) 671-5633 (cell)

(See attached file: EJ Concern of the Kalispel Tribe 12 6 12.pdf)(See attached file: Kalispel Tribe's TMDL Concerns 3_13_12.pdf)(See attached file: Pend Oreille River

Temperature TMDL Comments of the Kalispel Tribe 12 5 12.pdf)(See attached file: Att. 4.pdf)

Simma A. Kupchan Water Law Office EPA Office of General Counsel Ariel Rios North, Room 7313A (202) 564-3105

Inactive hide details for Jessica Scott---12/19/2012 12:30:10 PM---Hi to you both, I'm forwarding this letter to you both as thJessica Scott---12/19/2012 12:30:10 PM---Hi to you both, I'm forwarding this letter to you both as the EJ contact and tribal contact in WLO.

From: Jessica Scott/DC/USEPA/US

To: Simma Kupchan/DC/USEPA/US@EPA, Peter Ford/DC/USEPA/US@EPA

Date: 12/19/2012 12:30 PM

Subject: Requesting review by COB today--Fw: Revised Draft Response Letter -

Environmental Justice Concern of the Kalispel Tribe - OGC Review

Hi to you both,

I'm forwarding this letter to you both as the EJ contact and tribal contact in WLO.

This is a draft response letter from OEJ in response to some environmental justice concerns raised by the Kalispel Tribe. OEJ is requesting OGC review by COB today. As the letter raises concerns about a Washington State proposed TMDL, I wanted to be sure to give WLO the chance to look at it, but I'll note that I haven't identified any legal concerns.

(See attached file: Kalispel Tribe of Indians - Case Response Letter - Draft 12-19-12.js.docx)

I'll send you the incoming documents from the Tribe that precipitated this response shortly.

Thank you,

Jessica Scott Attorney Advisor US Environmental Protection Agency, Office of General Counsel Cross-Cutting Issues Law Office
1200 Pennsylvania Avenue, NW
Room 7449E-2, Mailcode 2322A
Washington, D.C. 20460 (use zip code 20004 for non-USPS couriers)
202-564-3314 (phone)
202-564-5541 (fax)
----- Forwarded by Jessica Scott/DC/USEPA/US on 12/19/2012 12:26 PM -----

From: Danny Gogal/DC/USEPA/US To: Danny Gogal/DC/USEPA/US@EPA

Cc: "Dona Harris" < harris.dona@epa.gov >, "Jessica Scott"

<Scott.Jessica@epamail.epa.gov>, Tayoka Hall/DC/USEPA/US@EPA, Kent

Benjamin/DC/USEPA/US@EPA

Date: 12/19/2012 11:57 AM

Subject: Revised Draft Response Letter - Environmental Justice Concern of the Kalispel

Tribe - OGC Review

Jessica,

Please review this draft. Since I will be on leave, please respond to all. I have asked Tayoka Hall to make changes based on your edits.

Thank you,

Danny

(See attached file: Kalispel Tribe of Indians - Case Response Letter - Draft 12-19-12.docx)

Daniel E. Gogal Senior Environmental Protection Specialist Tribal Program Manager Co-Designated Federal Officer, Indigenous Peoples Work Group/NEJAC

Office of Environmental Justice, EPA MC (2201-A) 1200 Pennsylvania Avenue, NW Washington, DC 20460 (202) 564-2576, (202) 501-0740 - Fax